

MEDICAL EXAMINER DEPARTMENT
RULES REGARDING INCOMPATIBLE ACTIVITIES

Pursuant to Government Code Sections 1125-1127 and Board of Supervisors Resolution No. 41 of February 29, 1972, each appointing authority of the County of San Diego is required to formulate rules specifying those activities for compensation, outside of County duties of the employees under his/her jurisdiction, which are inconsistent and incompatible with their duties as County employees. Certain activities are prohibited altogether while others are allowed but require disclosure.

Prohibited Activities

In compliance with the foregoing directives, the Medical Examiner has determined that the outside activities set forth in the following rules are in conflict with the functions and responsibilities of employees of this department and are therefore prohibited:

- I. Any activity by an employee which involves the use of County time, facilities, equipment or materials for private gain or advantage, including the following:
 1. Any outside employment, including employment with another government entity or nonprofit organization, which results in receipt of frequent telephone calls or visitors while on duty at his/her County employment.
 2. Any publication for private gain of reports, studies or other written materials that were prepared on County time or which utilized in their preparation County facilities, equipment and/or materials, except when specifically authorized by the Medical Examiner.
- II. Any activity which involves the use for private gain or advantage of the badge, uniform, prestige, or influence of the individual's County employment, including the following:
 1. Directly or indirectly soliciting, seeking, or accepting personal loans, gifts, gratuities, business, compensation, or favors from public jurisdictions, private business firms or their agents who deal with this or any other agency or department of the County of San Diego.
 2. Using information not readily available to the general public, gained in the course of County employment, for

private gain or advantage or the gain or advantage of another.

III. Any activity which involves the receipt by the employee of money or other consideration from private parties for the performance of acts which the employee is expected to render in the regular course of his/her duties as a County employee, including the following:

1. Any consultation work for a fee or other remuneration concerning the application or interpretation of orders, directives or other communications of this department, the Board of Supervisors or any other agency or department of the County of San Diego.

IV. Any activity which is in conflict with the duties and responsibilities of the Medical Examiner Department, including the following:

1. Outside employment, including employment with another government entity or nonprofit organization, which will impair the employee's independence of judgment as to his County duties.
2. Outside activity, including employment with another government entity or nonprofit organization, which will require or induce the employee to disclose confidential information acquired in the course of his/her County duties.
3. Any outside employment activity, including employment with another government entity or nonprofit organization, which would interfere with the devotion of the full time and attention of the employee to his/her County duties in the Medical Examiner Department.

Activities Requiring Disclosure

I. Employees of the Medical Examiner Department shall disclose to the Medical Examiner in writing participation in any of the following activities:

1. Any outside employment, including employment with another government entity or nonprofit organization, with an entity which has a contract with the County, or has had a contract with the County within the last twelve (12) months.

2. Any outside employment, including employment with another government entity or nonprofit organization, in which a part of the employee's efforts therein may be subject to approval, review, control, or audit by another employee, officer, board or commission of the County of San Diego.
3. Any assignment of work that relates to any organization, property or activity in which he/she or a member of his/her immediate family has an interest.
4. Any presentation before any officer, board or commission which the Medical Examiner represents or advises and in which the employee or a member or his/her immediate family has an interest.
5. Any paid position held in any other public, private or nonprofit entity which has or is seeking contracts with the County of San Diego.
6. Any expert testimony in a civil or criminal proceeding before a court of law. In addition to disclosure, such testimony by Medical Examiner Department employees is subject to the following restrictions:
 - a. Employees will testify when called upon by the District Attorney or County Counsel concerning autopsies or toxicology examinations performed by this Department, and in other situations with the approval of the Medical Examiner.
 - b. Employees will not testify as an expert against San Diego County or its subdivisions, which are its cities, towns, commissions, etc., or against the State of California and its subdivisions which are its counties, cities and towns. Employees may be called to testify under subpoena as a fact witness concerning work this Department has previously performed in its investigation of the cause of death of an individual, but employees will not serve as an expert witness for a party issuing such a subpoena.
 - c. In cases where San Diego County is one of a number of litigants in a particular matter, an employee may be called upon to testify as an expert by the County, but will not serve as an expert for any other party, plaintiff or defendant. This restriction is required because even other litigants on the County's side may argue certain

issues which do not agree with the County's position. Therefore, testifying as an expert for such a litigant could put the witness in conflict with the County.

- d. Employees may not bill privately for testimony given when the County of San Diego or any of its subdivisions is involved. The Medical Examiner Department will charge in such cases. The Department may not levy expert witness fees unilaterally; however, it may charge expert witness fees as long as the charges are agreed upon in advance with the attorney to be charged. If no such prior arrangement has been made, then the Department may only bill for the employee's hourly rate. Appropriate expert witness fees will be established and maintained by the Medical Examiner or his designee.
- e. Employees may apply for, and if approved, take annual leave or use their off-duty time to testify as an expert witness in cases of civil litigation between private parties that do not involve the County of San Diego or its subdivisions. Employees may testify privately only on behalf of the State of California or its jurisdictions outside San Diego County. Employees may also testify privately on behalf of either side in any jurisdiction outside the State of California. In these cases employees may charge privately for their time expended in conferences, deposition or trial testimony.

- 7. Any outside professional work performed by employees not otherwise prohibited by these Rules. In addition to disclosure, such outside professional work must not be a conflict of interest or even appear to be a conflict of interest with the Department and/or the County. For example, employees shall not place themselves in a position of testifying against San Diego County, the State of California or their subdivisions as stipulated in paragraph 6 immediately above.

- II. Where employees of the Medical Examiner Department are authorized to expend time and/or resources on outside activities, those involved will document their activities and make such documentation available to the Medical Examiner or his/her designee.

Acknowledgment

- I. Each employee of the Medical Examiner Department is required to acknowledge in writing that he/she has received a copy of these Rules Regarding Incompatible Activities and that he/she has read, understands and will comply with them. This acknowledgment will be made on a form provided by the Medical Examiner or his/her designee.

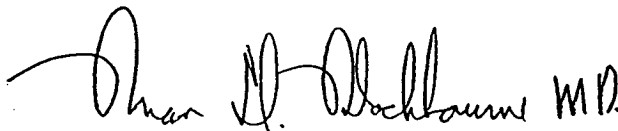
Penalties for Violation of Rules

- I. Violation of these Rules Regarding Incompatible Activities is grounds for discipline.
 1. Participation in any prohibited activity by any classified officer or employee or failure to properly disclose outside activities as required by these Rules, after proper notification of such prohibition or failure to disclose, may be cause for suspension, demotion, reprimand, transfer, or removal within the provisions of the Charter of the County of San Diego, and the Civil Service Rules. The provisions of the Civil Service Rule VII as to notice and hearing shall be applicable to discipline imposed based on a determination that a classified officer or employee has engaged in any prohibited outside activity or has failed to properly disclose outside activities as required by these Rules.
 2. Any unclassified officer or employee may, upon determination of the Medical Examiner that he/she has engaged in a prohibited activity or failed to properly disclose any outside activity, request a hearing before the Medical Examiner or the Medical Examiner's designee, and such hearing shall be afforded to the unclassified employee within a reasonable time. Participation in any prohibited activity or failure to disclose outside activities as required by these Rules by any unclassified officer or employee may be cause for discipline or removal.

Cancellation

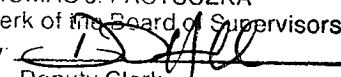
- I. These Rules cancel and supersede the following guidance issued previously by the Medical Examiner:
 1. EXPERT TESTIMONY, CRIMINAL OR CIVIL, dated February 11, 1992.

2. RULES FOR MEDICAL EXAMINER'S OFFICE REGARDING INCOMPATIBLE ACTIVITIES, dated May 11, 1992.
3. ADDITIONAL RULES FOR MEDICAL EXAMINERS AND TOXICOLOGISTS REGARDING INCOMPATIBLE ACTIVITIES, dated May 11, 1992.
4. MEDICAL EXAMINER'S OFFICE CHARGING EXPERT WITNESS FEES IN CIVIL LITIGATION IN WHICH A GOVERNMENT AGENCY IS A PARTY TO THE LITIGATION, dated July 29, 1996.



BRIAN D. BLACKBOURNE, M.D.
Medical Examiner

Dated: 9-28-98

Approved and/or authorized by the Board
of Supervisors of the County of San Diego
Date: 11/10/98 Minute Order No. 42
THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors
By: 
Deputy Clerk